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**U.S. District Court  
Southern District of Florida (Miami)  
CIVIL DOCKET FOR CASE #: 1:07-cv-21162-JAL  
Internal Use Only**

Fireman's Fund Insurance Company et al v. Gerling America  
Insurance Company  
Assigned to: Judge Joan A. Lenard  
Referred to: Magistrate Judge Edwin G. Torres  
Cause: 28:1332 Diversity

Date Filed: 05/02/2007  
Jury Demand: None  
Nature of Suit: 110 Insurance  
Jurisdiction: Diversity

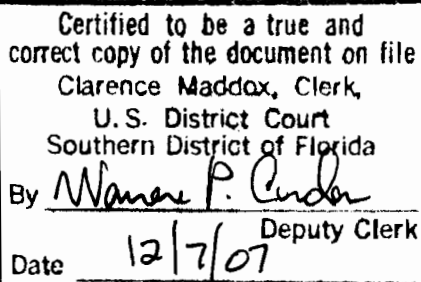
**BZ**

**Plaintiff**

**Fireman's Fund Insurance Company**  
*a foreign corporation*  
*other*  
Basic Resources Inc.

represented by **Jon Dale Derrevere**  
Derrevere & Associates  
470 Columbia Drive  
Bldg B  
West Palm Beach, FL 33409-1949  
561-684-3222  
Fax: 640-3050  
Email: jdd@derreverelaw.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Shirley Jean McEachern**  
Derrevere & Associates  
470 Columbia Drive  
Bldg B  
West Palm Beach, FL 33409-1949  
561-684-3222  
Fax: 640-3050  
Email: ShirleyJean33409@aol.com  
**ATTORNEY TO BE NOTICED**



**Plaintiff**

**George Reed, Inc.**  
*a foreign corporation*

represented by **Jon Dale Derrevere**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**








V.

**Defendant**

**Gerling America Insurance Company**  
*a foreign corporation*

represented by **Andrew Robert Spector**  
Hyman Kaplan Ganguzza Spector &  
Mars  
150 W Flagler Street

Suite 2701 Museum Tower  
 Miami, FL 33130  
 305-371-4244  
 Fax: 371-5930  
 Email: andrews@hsmattys.com  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
05/02/2007	 1	COMPLAINT against Gerling America Insurance Company Filing fee \$ 350. Receipt#: 722699, filed by Fireman's Fund Insurance Company, George Reed, Inc..(dj) (Entered: 05/02/2007)
06/15/2007	 2	AMENDED COMPLAINT, filed by Fireman's Fund Insurance Company. (Attachments: # 1 Exhibit One to Amended Complaint# 2 Exhibit Two to Amended Complaint)(McEachern, Shirley) (Entered: 06/15/2007)
07/17/2007	 3	SUMMONS Returned Executed by Fireman's Fund Insurance Company. Gerling America Insurance Company served on 7/12/2007, answer due 8/1/2007. (Derrevere, Jon) (Entered: 07/17/2007)
07/26/2007	 4	AMENDED COMPLAINT <i>Second</i> , filed by Fireman's Fund Insurance Company. (Attachments: # 1 Exhibit Policy of Insurance# 2 Exhibit Amended Final Judgment)(Derrevere, Jon) (Entered: 07/26/2007)
07/27/2007	 5	ORDER DIRECTING DEFENDANT TO RESPOND TO SECOND AMENDED COMPLAINT. The Court notes that, pursuant to Fed.R.Civ.P. 15, a party may amend the party's pleading once as a matter of course at any time before a responsive pleading is permitted. Otherwise, a party may amend its pleading only by leave of Court. Plaintiffs have already amended their initial Complaint once 2, and have not sought leave to amend a second time. However, because leave of court "shall be freely given when justice so requires," Fed.R.Civ.P. 15, the Court shall grant Plaintiffs leave to file their Second Amended Complaint. The Court finds that there is no prejudice to Defendant, as Defendant has not yet filed a response to the Amended Complaint. Accordingly, Plaintiffs' Second Amended Complaint 4 shall be the operative pleading in this case, and Defendant shall have up to and including August 13, 2007 to respond to the Second Amended Complaint. This entry constitutes the ENDORSED ORDER in its entirety.Signed by Judge Joan A. Lenard on 7/27/07.(lc2) (Entered: 07/27/2007)
08/13/2007	 6	Defendant's MOTION for Extension of Time to File Response as to 4 Amended Complaint ( <i>Second</i> ) and Incorporated Memorandum of Law by Gerling America Insurance Company. (Attachments: # 1 Text of Proposed Order)(Spector, Andrew) (Entered: 08/13/2007)
08/14/2007	 7	ORDER granting 6 Defendant's Unopposed Motion for Extension of Time to Respond to Second Amended Complaint. Defendant's Response

		shall be due by August 20, 2007. This entry constitutes the ENDORSED ORDER in its entirety. Signed by Judge Joan A. Lenard on 8/14/07. (lc2) (Entered: 08/14/2007)
08/20/2007	8	Unopposed MOTION for Extension of Time to File Response as to 4 Amended Complaint ( <i>Second</i> ) and Incorporated Memorandum of Law by Gerling America Insurance Company. (Attachments: # 1 Text of Proposed Order)(Spector, Andrew) (Entered: 08/20/2007)
08/23/2007	9	Defendant's MOTION to Change Venue <i>Transfer Venue Pursuant to 28 U.S.C 1404(a)</i> by Gerling America Insurance Company. Responses due by 9/7/2007 (Attachments: # 1 Exhibit "A" Affidavit of John J. Thompson# 2 Text of Proposed Order)(Spector, Andrew) (Entered: 08/23/2007)
08/24/2007	10	ORDER granting 8 Defendant's Motion for Extension of Time to Respond to Plaintiff's Second Amended Complaint. Defendant shall respond on or before August 29, 2007. NO FURTHER EXTENSIONS SHALL BE GRANTED. This entry constitutes the ENDORSED ORDER in its entirety. Signed by Judge Joan A. Lenard on 8/24/07. (lc2) (Entered: 08/24/2007)
09/05/2007	11	MEMORANDUM in Opposition re 9 Defendant's MOTION to Change Venue <i>Transfer Venue Pursuant to 28 U.S.C 1404(a)</i> filed by Fireman's Fund Insurance Company. (Attachments: # 1 Exhibit Declaration to Plaintiff's Memorandum of Law in Opposition to Defendant's Motion to Transfer Venue# 2 Exhibit Proposed Order Denying Defendant's Motion to Transfer Venue# 3 Exhibit Stipulation to Ex 1 Declaration to Plaintiff's Memorandum of Law in Opposition to Defendant's Motion to Transfer Venue)(Derrevere, Jon) (Entered: 09/05/2007)
09/06/2007	12	ORDER TO SHOW CAUSE. On August 24, 2007, the Court issued an order granting Defendant an extension to respond to Plaintiff's Second Amended Complaint until August 29, 2007 [10]. To date, however, Defendant has failed to comply with that Order. Accordingly, Defendant shall respond to the Second Amended Complaint on or before 4:00 p.m. on Tuesday, September 11, 2007, or else show cause why default should not be entered against it for failure to respond to the Second Amended Complaint. This entry constitutes the ENDORSED ORDER in its entirety. Signed by Judge Joan A. Lenard on 9/6/07.(lc2) (Entered: 09/06/2007)
09/06/2007	13	Unopposed MOTION for clarification [12] Order to Show Cause,, by Gerling America Insurance Company. Responses due by 9/20/2007 (Attachments: # 1 Text of Proposed Order)(Spector, Andrew) (Entered: 09/06/2007)
09/07/2007	14	ORDER granting Defendant's Unopposed Motion for Clarification 13. Defendant's Motion to Transfer Venue 9 is not a responsive pleading to Plaintiff's Second Amended Complaint 4. Accordingly, Defendant shall have five days from the date of this Order to respond to Plaintiff's Second Amended Complaint. This entry constitutes the ENDORSED ORDER in



		its entirety. Signed by Judge Joan A. Lenard on 9/7/07. (lc2) (Entered: 09/07/2007)
09/10/2007	15	NOTICE of Compliance with Local Rule 7.1A(3) for the Southern District of Florida by Gerling America Insurance Company (Spector, Andrew) (Entered: 09/10/2007)
09/14/2007	16	Defendant, Gerling America Insurance Company's Answer and Affirmative Defenses to Second Amended Complaint ANSWER to Amended Complaint by Gerling America Insurance Company. (Spector, Andrew) (Entered: 09/14/2007)
09/17/2007	17	REPLY to Affirmative Defenses re: 16 Answer to Amended Complaint by Fireman's Fund Insurance Company. (Derrevere, Jon) (Entered: 09/17/2007)
09/17/2007	18	REPLY to 11 Memorandum in Opposition to Defendant's 9 Motion to Transfer Venue filed by Gerling America Insurance Company. (Spector, Andrew) **Modified to add relationship to Motion and to accurately describe the document being filed on 9/18/2007 (gp)** (Entered: 09/17/2007)
09/17/2007	19	ORDER Referring Discovery Disputes and Certain Pretrial Motions to Magistrate Judge Edwin G. Torres; Directing Parties to File Certificates of Interested Parties; Directing Parties to File a Notice of Refiling And/or of Related Cases; Requiring Completion of Form Consenting to Jurisdiction by Magistrate Judge; And Requiring Completion of Joint Scheduling Report and Form. Signed by Judge Joan A. Lenard on 09/17/07. (Attachments: # 1 # 2)(dp) (Entered: 09/17/2007)
09/18/2007	20	Initial Disclosure by Fireman's Fund Insurance Company. (Derrevere, Jon) **Modified to accurately describe the document being filed on 9/19/2007 (gp)** (Entered: 09/18/2007)
09/18/2007	21	Corporate Disclosure Statement by Fireman's Fund Insurance Company. (Derrevere, Jon) (Entered: 09/18/2007)
09/18/2007	22	Notice of Instruction to Filer, Notice of Docket Correction ; Error: Wrong Event Selected; re 18 Response (Other) filed by Gerling America Insurance Company. Correct event to use, for FUTURE reference is "Reply to Response to Motion" found under Responses and Replies (linking it to Motion). Entry has been modified to accurately describe the document being filed. (gp) (Entered: 09/18/2007)
09/19/2007	23	Notice of Instruction to Filer ; Error: Wrong Event Selected; re 20 Corporate Disclosure Statement/Certificate of Interested Parties filed by Fireman's Fund Insurance Company. CORRECT event to use is "Exhibit and Witness List" found under Trial Documents or "Notice of Filing Discovery" found under Discovery Documents. This is for FUTURE reference only, it is not necessary to refile this document. (gp) (Entered: 09/19/2007)
09/24/2007	24	Corporate Disclosure Statement by Gerling America Insurance Company.

		(Spector, Andrew) (Entered: 09/24/2007)
09/24/2007	<a href="#">25</a>	Plaintiff's MOTION for Leave to File <i>Third Amended Complaint</i> by Fireman's Fund Insurance Company. (Attachments: # <a href="#">1</a> Exhibit Third Amended Complaint# <a href="#">2</a> Text of Proposed Order Order Granting Plaintiff's Motion for Leave to File Third Amnded Complt)(Derrevere, Jon) (Entered: 09/24/2007)
09/28/2007	<a href="#">26</a>	SCHEDULING REPORT- Rule 26(f). (Spector, Andrew) (Entered: 09/28/2007)
10/02/2007	<a href="#">27</a>	ORDER Adopting Joint Scheduling Report, Setting Pretrial Conference and Trial, Establishing Pretrial Deadlines, and Establishing Pretrial and Trial Procedures: Pretrial Conference set for 11/7/2008 02:00 PM before Judge Joan A. Lenard. Jury Trial set for 12/1/2008 09:00 AM before Judge Joan A. Lenard. Calendar Call set for 11/19/2008 04:00 PM before Judge Joan A. Lenard. Joinder of Parties and Amendment of Pleadings due by 12/3/2007. Fact Discovery due by 7/1/2008. Expert Discovery due by 8/1/2008. Dispositive Motions due by 8/1/2008. Motions in Limine due by 9/26/2008. Pretrial Stipulation due by 10/10/2008. Signed by Judge Joan A. Lenard on 10/02/07.(dp) Modified calendar call date to match date in order on 10/3/2007 (wc). (Entered: 10/02/2007)
10/02/2007	<a href="#">28</a>	ORDER of Referral to Mediation and Directing Plaintiff's Counsel to Submit (Within Fifteen Days) Proposed Order Scheduling Mediation. Signed by Judge Joan A. Lenard on 10/02/07. (Attachments: # <a href="#">1</a> )(dp) (Entered: 10/02/2007)
10/08/2007	<a href="#">29</a>	NOTICE by Gerling America Insurance Company <i>Joint Consent to Jurisdiction by a United States Magistrate Judge</i> (Spector, Andrew) (Entered: 10/08/2007)
10/09/2007	<a href="#">30</a>	ORDER of Reference of Certain Matters to Magistrate Judge. Signed by Judge Joan A. Lenard on 10/09/07.(dp) (Entered: 10/09/2007)
10/11/2007	<a href="#">31</a>	RESPONSE in Opposition re <a href="#">25</a> Plaintiff's MOTION for Leave to File <i>Third Amended Complaint Memorandum of Plaintiff's Motion for Leave to Amend</i> filed by Gerling America Insurance Company. (Spector, Andrew) (Entered: 10/11/2007)
10/15/2007	<a href="#">32</a>	Plaintiff's MOTION for Appointment of Special Process Server <i>Commissioner-Court Reporter</i> by Fireman's Fund Insurance Company. Responses due by 10/29/2007 (Attachments: # <a href="#">1</a> Duplicate of Main Document)(Derrevere, Jon) Modified on 10/16/2007 (ls). (Entered: 10/15/2007)
10/16/2007	<a href="#">33</a>	NOTICE of Instruction to Filer: re <a href="#">32</a> Plaintiff's MOTION for Appointment of Special Process Server <i>Commissioner-Court Reporter</i> filed by Fireman's Fund Insurance Company, Error: Attachment/Proposed Order is Duplicate of Main Document; (ls) (Entered: 10/16/2007)
10/17/2007	<a href="#">34</a>	REPLY Memorandum to <a href="#">31</a> Response in Opposition to <a href="#">25</a> Motion filed

		by Fireman's Fund Insurance Company. (Derrevere, Jon) **Modified to add relationship/linkage to Motion and to accurately describe the document being filed on 10/18/2007 (gp)**. (Entered: 10/17/2007)
10/17/2007	35	ORDER granting 32 Motion to Appoint Special Process Server. Signed by Magistrate Judge Edwin G. Torres on 10/15/2007. (bs) (Entered: 10/17/2007)
10/18/2007	36	NOTICE of Docket Correction and Instruction to Filer: re 34 Response (Other) filed by Fireman's Fund Insurance Company. ERROR: Wrong Event Selected; Instruction to Filer: In the future please select the proper Event: "Reply to Response to Motion" found under Responses and Replies (linking it to Motion). Entry has been modified to accurately describe the document being filed, and added linkage/relationship to motion. (gp) (Entered: 10/18/2007)
10/25/2007	37	ORDER TO SHOW CAUSE re: Mediation. Show Cause Response due by 11/1/2007. Signed by Judge Joan A. Lenard on 10/25/07. (Attachments: # 1)(dp) (Entered: 10/25/2007)
10/29/2007	38	Notice of Mediation Hearing before Mediator, Peter E. Abraham filed by Fireman's Fund Insurance Company. Mediation Hearing set for 7/18/2008 10:00 AM (Attachments: # 1 Exhibit Order Scheduling Mediation)(Derrevere, Jon) (Entered: 10/29/2007)
10/30/2007	39	ORDER Scheduling Mediation with Peter E. Abraham. Mediation Hearing set for 7/18/2008 10:00 AM Signed by Judge Joan A. Lenard on 10/30/07.(dp) Modified signature date on 10/30/2007 (wc). (Entered: 10/30/2007)
12/04/2007	40	NOTICE by Fireman's Fund Insurance Company <i>Demand for Settlement to Defendant Gerling America Ins Co</i> (Derrevere, Jon) (Entered: 12/04/2007)
12/06/2007	41	ORDER granting 9 Defendant's Motion to Transfer Venue. Signed by Judge Joan A. Lenard on 12/6/07. (bb) (Entered: 12/06/2007)
12/06/2007	42	AMENDED ORDER granting 9 Defendant's Motion to Transfer Venue. (Wrong document attached.) Signed by Judge Joan A. Lenard on 12/6/07. (bb) (Entered: 12/06/2007)
12/07/2007		***Civil Case Terminated. (lc1) (Entered: 12/07/2007)
12/07/2007		***Answer Deadline terminated. (Case closed.) (wc) (Entered: 12/07/2007)